

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEANNETTE K. BURMEISTER,
Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, et al.,
Defendants.

Case No. [14-cv-00133-VC](#)

**ORDER GRANTING MOTION FOR
ATTORNEYS' FEES**

Re: Dkt. No. 43

In the wake of this Court's ruling granting her motion for summary judgment on her Freedom of Information Act suit, Jeannette Burmeister filed a motion for attorneys' fees under 5 U.S.C. § 552(a)(4)(E)(i). On November 6, 2014, the Court held a hearing on the motion. Counsel for Ms. Burmeister appeared at the hearing. Counsel for the government did not appear at the hearing.

The motion for attorneys' fees is granted. Ms. Burmeister is clearly the prevailing party in the litigation. Moreover, as outlined in the order granting Ms. Burmeister's motion for summary judgment, the government's conduct throughout its dispute with Ms. Burmeister was unreasonable. Ms. Burmeister stood to gain nothing financially from her attempt to obtain the documents at issue from the government, and she conferred a benefit on the public through her successful effort to obtain a ruling against the government.

At the hearing, the Court inquired whether Ms. Burmeister's fee request should be reduced because too much time was spent on the case by senior partners, with too little time being spent by senior associates. For the reasons articulated by counsel for Ms. Burmeister at the hearing, the Court finds that, given the peculiar nature of this case, it was staffed in a reasonable manner.

Accordingly, the motion for attorneys' fees is granted in full. The government is ordered to

1 pay Ms. Burmeister \$139,147.00, which represents the reasonable fees incurred by her counsel in
2 this matter.

3 **IT IS SO ORDERED.**

4 Dated: November 6, 2014



VINCE CHHABRIA
United States District Judge

United States District Court
Northern District of California